

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL No.1765 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08-08-2001 in W.P.No.30804 of 1998 on the file of the High Court.)

Between:

The Special Officer and Competent Authority,

Urban Land Ceilings, Chandravihar,

M.J. Road, Hyderabad.

..... APPELLANT

AND

1 P. Narasimha Reddy, S/o. Late P. Raghava Reddy,
R/o. H.No.5-8-49, Fateh Sultan Lane, Station road, Nampally,

Hyderabad.

2 The VI Metropolitan Magistrate, City Criminal Courts, Nampally,

Hyderabad.

(2nd Respondent is not a necessary party to this Writ Appeal)

....RESPONDENTS

Counsel for the Appellant: G.P. FOR ASSIGNMENT

Counsel for Respondent No.1: Mr. N. Subba Reddy

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

We have gone through the order impugned in this appeal passed by the learned single Judge allowing the writ petition of first respondent who had questioned the proceedings initiated against him pursuant to the show cause notice dated 1st October 1997.

Learned single Judge has assigned cogent reasons that Sy.Nos.617, 618, 619 and 638 of Kukatpally village were agricultural lands and also earmarked in the master plan for the purpose of agriculture, and that the Competent Authority had held that the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (hereinafter referred to as 'the ULC Act') are not applicable, and accordingly dropped the proceedings against the writ petitioner-first respondent. Once the Competent Authority by order dated 26th February 1994 held that the lands are agricultural lands and were sold as such to the housing society and dropped the proceedings, it was not open for the authorities to reopen the same. Learned single Judge rightly held that the lands were held by the society prior to enforcement of the master plan and that they were allotted to first respondent, and, therefore, it was for the society to file statement. The petitioner was under no obligation to file statement under Section 6(1) of the ULC Act, and for that reason all consequential actions taken against the petitioner have to be held as bad in law.

The writ appeal is, therefore, dismissed.

(DEVINDER GUPTA, C.J.)

24th November 2004.

(M. NARAYANA REDDY, J.)

To

1 The VI Metropolitan Magistrate, City Criminal Courts, Nampally,

Hyderabad.

2 Two CCs to G.P. for Assignment, High Court Buildings, Hyderabad(OUT).

3 Two CD copies.